

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Brendan Mysliwiec	Team: Team # 6	CCRB Case #: 200815561	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/22/2008 1:15 PM	Location of Incident: East 255th Street & White Plains Road	Precinct: 47	18 Mo. SOL 4/22/2010	EO SOL 4/22/2010	
Date/Time CV Reported Wed, 10/22/2008 2:29 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/28/2008 1:33 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Roda	01234	939332	047 PCT
2. POM Daniel Beddows	30576	926556	047 PCT
3. SGT Michael Milmore	04059	895742	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Denise Enmanuel	03832	938434	047 PCT
2. POF Dironda Clarke	11545	939775	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Milmore	Force: Sergeant Michael Milmore used physical force against § 87(2)(b)	
B.POM Daniel Beddows	Force: Officer Daniel Beddows used physical force against § 87(2)(b)	
C.SGT Michael Milmore	Abuse: Sergeant Michael Milmore refused to provide his name to § 87(2)(b)	
D.POM Daniel Beddows	Abuse: Officer Daniel Beddows refused to provide his name to § 87(2)(b)	
E.POM Robert Roda	Force: Officer Robert Roda used physical force against § 87(2)(b)	

Synopsis

On October 22, 2008, the Internal Affairs Bureau (IAB) of the New York Police Department (NYPD) generated a Civilian Complaint Review Board (CCRB) complaint in regards to the transport of § 87(2)(b) to § 87(2)(b) due to injuries sustained during his arrest. On that date, § 87(2)(b) was engaged in a physical altercation with his ex-girlfriend, § 87(2)(b) which ended after § 87(2)(b) removed § 87(2)(b)'s pocketbook from her possession and attempted to leave the scene. § 87(2)(b) was stopped by Sergeant Michael Milmore and Officers Robert Roda and Daniel Beddows of the 47th Precinct. As the officers attempted to handcuff § 87(2)(b) struck § 87(2)(b) in the face. § 87(2)(b) removed his arm from Officer Beddows grasp in an effort to defend himself. Officer Beddows then allegedly struck § 87(2)(b) in the face before Officer Beddows allegedly pulled § 87(2)(b)'s arms behind him so forcefully that § 87(2)(b) dropped to the sidewalk in pain. Officer Beddows and Sergeant Milmore repeatedly struck him in the face and kicked him in the side (**Allegation A** and **Allegation B**). After § 87(2)(b) was allegedly assaulted, he allegedly requested the names of the officers present; only Officer Roda replied (**Allegation C** and **Allegation D**). When § 87(2)(b) was transported to the station house, Officer Roda allegedly held his face forcefully against the window of the Radio Motor Patrol vehicle (RMP) and when being led from the RMP into the station house (**Allegation E**).

§ 87(2)(g)

Summary of Complaint

On October 23, 2008, IAB referred § 87(2)(b)'s complaint to the CCRB. § 87(2)(b) made only one statement to the CCRB § 87(2)(g)

Statement to Medical Personnel (encl. 17F)

§ 87(2)(b)'s chief complaint to the Emergency Medical Services (EMS) personnel was that his "hands [were] numb." His chief complaints to the personnel at § 87(2)(b) (where he was treated) are listed as forehead abrasion and lip abrasions and "female problem."

CCRB Statement (summarized in encl. 5A-C, E)

On December 1, 2008, § 87(2)(b) Jr. was interviewed at the § 87(2)(b). § 87(2)(b) is a 5'10" male Black weighing 155 lbs. His date of birth is § 87(2)(b). On October 22, 2008 at 1:15 PM in the vicinity of 225th Street and White Plains Road in the Bronx, § 87(2)(b) who was dressed in a purple jumpsuit, was engaged in a dispute with his ex-girlfriend § 87(2)(b) who is the mother of his child. § 87(2)(b) stated that this disagreement became physical (he did not provide details on the nature of the disagreement's physicality). An unmarked Jeep pulled up to where they were standing and someone, from inside the vehicle, instructed § 87(2)(b) to stay where he was and place his hands on the hood of the Jeep. § 87(2)(b) complied, placing his hands palm down onto the hood of the vehicle, facing its windshield. Four officers in plainclothes exited the vehicle; PO1 (although § 87(2)(b) described PO1 as a separate officer, the CCRB determined PO1 to be Officer Roda) moved to attend to § 87(2)(b) PO2 (identified by the CCRB as Sergeant Michael Milmore) and Officer Roda flanked § 87(2)(b) as PO3 (identified by the CCRB as Officer Daniel Beddows) handcuffed him. Officer Beddows had § 87(2)(b)'s right arm pulled behind his back and his left wrist handcuffed when § 87(2)(b) came alongside § 87(2)(b) and punched him on the right side of his face; § 87(2)(b) believes this strike caused his lip to split open. § 87(2)(b) raised his right arm from off the hood of the car in an effort to impede a further assault and may have unintentionally struck the officer. In response to his movement, Officer Beddows struck § 87(2)(b) on the right eye with a closed fist. Officer Beddows then took § 87(2)(b)'s right arm and handcuffed his right wrist. After Officer Beddows had handcuffed § 87(2)(b) § 87(2)(b) stated to Officer Beddows that Officer Beddows "hit like a bitch." § 87(2)(b) said this to Officer Beddows in an effort to protest the assault. The comment seemed only to incite the officers to more violence.

Officer Beddows then grabbed § 87(2)(b)'s right arm and, along with his left arm, pulled it as far towards § 87(2)(b)'s upper back as they could go. § 87(2)(b) dropped to his stomach in pain and lay out on the sidewalk; § 87(2)(b) sustained a laceration to his right eyebrow due to the fall. As § 87(2)(b) was on the ground, Officer Beddows pushed his knee into § 87(2)(b)'s face, scraping his cheek against the sidewalk. § 87(2)(b) requested that Officer Beddows get off of him and cease assaulting him. Officer Beddows responded that § 87(2)(b) was spitting on Officer Beddows. § 87(2)(b) contended that Officer Beddows' grey sweatshirt would be covered with blood had he been spitting at Officer Beddows. § 87(2)(b) responded that he was bleeding from his mouth and not spitting at the officer; § 87(2)(b) further repeated his request that Officer Beddows get off of him. An unidentified officer then told § 87(2)(b) to shut up and kicked § 87(2)(b) on his left leg and his back. § 87(2)(b) believes he said something that further angered Officer Beddows as Officer Beddows then struck § 87(2)(b) again in the face.

One of the officers on scene requested a patrol car and it arrived as § 87(2)(b) was being restrained on the ground. § 87(2)(b) was put into the patrol car by the officers on scene. Prior to his being placed in the RMP, § 87(2)(b) requested Sergeant Milmore, Officer Beddows and Officer Roda's names, but only Officer Roda replied. PO4 (identified by the CCRB as Officer Denise Enmanuel) and PO5 (identified by the CCRB as Officer Dironda Clarke) never exited the patrol car; Officer Roda accompanied § 87(2)(b) in the rear seat. Officer Roda kept his hand on § 87(2)(b)'s neck for the duration of the ride to the precinct, and every time § 87(2)(b) would ask Officer Roda to remove his hand, Officer Roda would push § 87(2)(b)'s face into the car window. Officer Enmanuel and Clarke told § 87(2)(b) to stop complaining and that he should have known better than to hit a woman. At the precinct, Officer Roda removed § 87(2)(b) from the patrol car. Officer Roda walked § 87(2)(b) up the cement ramp into the precinct, throwing him from side to side into the concrete barricades on either side of the ramp. § 87(2)(b) began calling for "the captain" and Officer Clarke said to Officer Roda that the officer had done enough. § 87(2)(b) was approximately five feet away from the front door of the station house at this time. § 87(2)(b) told Officer Roda that he "really should have taken [me] out of these handcuffs," to which Officer Roda responded that § 87(2)(b) was threatening him.

The desk sergeant observed § 87(2)(b) enter the precinct, and, after viewing him, told the officers to place him in the cell. § 87(2)(b) was placed into the holding cell, still handcuffed. The handcuffs had been put on very tightly and were beginning to cause § 87(2)(b) significant pain. [At the time of interview, there were abrasions encircling § 87(2)(b)'s wrists.] § 87(2)(b) requested that the officers remove the cuffs. An officer came back to the cell and instructed § 87(2)(b) to give him § 87(2)(b)'s shoes. § 87(2)(b) asked how he was to do that when he was handcuffed. The officer came into the cell and removed § 87(2)(b)'s shoes. The officer returned and told § 87(2)(b) that he was to be fingerprinted. § 87(2)(b) stated that he was not getting off of the bench on which he was seated until he received his shoes; he refused to walk barefoot through the precinct. § 87(2)(b) then asked for medical treatment. After the officers attempted to convince him against getting medical attention, informing him that it would prolong his arraignment, EMS was called to the precinct and, with Officer Roda and Officer Beddows in tow, § 87(2)(b) was removed to § 87(2)(b) in the Bronx.

At the hospital, the attending physician requested a CT Scan of § 87(2)(b)'s skull and he dressed § 87(2)(b)'s wounds. After § 87(2)(b) was treated, he was returned to the precinct. § 87(2)(b) stated that his and Officer Roda's tempers had calmed down and whilst en route, Officer Roda lent § 87(2)(b) his cellular telephone so that § 87(2)(b) could make a call to his daughter. Officer Roda also provided § 87(2)(b) with two cigarettes (Newports).

§ 87(2)(b) never struck any of the officers. Each officer wore a yellow wrist-band. § 87(2)(b) stated that the wrist-band is the officers' "call symbol." § 87(2)(b) believes that the officers belonged to the gun squad because Officer Roda told him so. All the officers were white and all were "big." Officer Roda was described as kind of young with a crew cut. Officer Roda was the smallest of the three officers.

Results of Investigation

Civilian Statements

§ 87(2)(b) (encl. 6A-D)

On February 10, 2009, § 87(2)(b) was interviewed at the CCRB. § 87(2)(b) is a female Black standing 5'1" and weighing 129 lbs. Her birthdate is § 87(2)(b). She was identified by § 87(2)(b) as being present at the time of incident. The AIDED provided her contact information. She is the mother of § 87(2)(b)'s daughter and on-and-off again girlfriend.

On October 22, 2008 at 1:15 PM on East 225th Street between Carpenter Avenue and White Plains Road, Bronx, § 87(2)(b) was engaged in a physical altercation with the § 87(2)(b) during which he struck her in the face and in the stomach. Subsequent to this assault, § 87(2)(b) sustained an injury to her nose and required medical treatment. § 87(2)(b) had not struck § 87(2)(b) at this point. After striking her, § 87(2)(b) took § 87(2)(b)'s pocket book and tried to leave the scene, at which point four to five White plainclothes officers exited a tan mini-van, grabbed § 87(2)(b) and removed § 87(2)(b)'s pocketbook from his possession. The officers did not identify themselves as such. § 87(2)(b) did not resist as Officer Beddows took § 87(2)(b)'s wrist, handcuffed him, and was moving to handcuff the second wrist when § 87(2)(b) approached and struck § 87(2)(b)'s upraised arm. § 87(2)(b) raised his left arm to defend himself. Officer Beddows then grabbed § 87(2)(b)'s other wrist, handcuffed him and threw § 87(2)(b) against the mini-van. The officers then threw § 87(2)(b) to the ground, screaming at him. As § 87(2)(b) was on his stomach, Officer Beddows sat on top of § 87(2)(b) and moved his body in such a way as to indicate that § 87(2)(b) was resisting and Sergeant Milmore then began punching § 87(2)(b). Officer Roda spoke with § 87(2)(b) at this point, and she turned her back away from the altercation. § 87(2)(b) did not recall whether any officers kicked § 87(2)(b) although she knows that an officer punched him in the mouth, causing him to bleed, and that he spat out blood onto a vehicle. § 87(2)(b) did not spit on any officers. When § 87(2)(b) left in an ambulance, the officers were placing § 87(2)(b) in a marked RMP. No more than ten minutes elapsed between the arrival of the officers and § 87(2)(b)'s departure.

At the time of the incident, § 87(2)(b) was living with § 87(2)(b) but, since then, has had only limited telephone conversations with him. At the time of interview, § 87(2)(b) was uncertain as to whether she would continue her romantic relationship with § 87(2)(b).

Identification of Police Officers Interviewed

The 47th Precinct 2nd Tour Roll Call identified Sergeant Milmore and Officer Beddows as being Officer Roda's partners on the date of incident. Officer Thomas Diggs was interviewed as the Roll Call reflected him as also being assigned to Anti-Crime on the date of incident.

Members of Service

Sergeant Michael Milmore

Memo Book (encl. 7A-C)

Sergeant Milmore's Memo Book entries for October 22, 2008 reflect that the sergeant worked a 0926x1810 tour assigned as the Anti-Crime supervisor in unmarked RMP 8390. At 1:15 PM, there was an arrest for § 87(2)(b) at the corner of 225th Street and White Plains Road; Officer Roda was assigned the arrest.

CCRB Statement (summarized in encl. 7D-E)

On February 17, 2009, Sergeant Michael Milmore of the 47th Precinct was interviewed at the CCRB. Sergeant Milmore is a 6'1" male White weighing 235 lbs.

On the date of incident at 1:15 PM, Sergeant Milmore observed § 87(2)(b) and § 87(2)(b) engaged in a physical altercation on East 225th Street, to wit: § 87(2)(b) was seen throwing § 87(2)(b) against a wall and striking her in the face. § 87(2)(b) was not seen to have struck § 87(2)(b). The officers went around the block and observed § 87(2)(b) remove § 87(2)(b)'s pocketbook from her person and begin to exit the scene. § 87(2)(b) was following § 87(2)(b) and was approximately ten to fifteen feet away from him, attempting to retrieve her handbag. The officers exited their vehicle and identified themselves as officers, displaying their shields on their chests. Officer Beddows took hold of § 87(2)(b)'s right wrist and handcuffed it; § 87(2)(b) did not resist Officer Beddows' overture. Sergeant Milmore did not observe any injuries on § 87(2)(b) at this time. Officer Roda was with § 87(2)(b) attempting to stop her from approaching § 87(2)(b) when § 87(2)(b) wrenched his left arm free from Officer Beddows and attempted to strike § 87(2)(b). Sergeant Milmore was standing beside § 87(2)(b) at this point, grabbed him and assisted Officer Beddows as he took § 87(2)(b) to the

ground to handcuff him. Neither Sergeant Milmore nor Officer Beddows struck § 87(2)(b) with foot or closed fist during this time.

Sergeant Milmore grabbed § 87(2)(b) by his shoulder blade and brought him to a standing position; Sergeant Milmore did not specify where Officer Beddows gripped § 87(2)(b). Once brought back up to a standing position, § 87(2)(b) attempted to spit at § 87(2)(b) and get away, after which Officer Beddows took him down to the ground again. Sergeant Milmore then called a marked RMP to transport § 87(2)(b) to the station house. Sergeant Milmore did not recall whether § 87(2)(b) requested then names and/or badge numbers of any officers present.

Officer Robert Roda

§ 87(2)(g)

Memo Book (encl. 8A-B)

On October 22, 2008, Officer Roda worked a 0935x1835 tour, assigned to plainclothes Anti-Crime with Sergeant Milmore and Officer Beddows. The officers were operating a silver, four-door Jeep Cherokee. Officer Roda's Memo Book reflects that at 1:00 PM, there was a report of a robbery within a family at the location of incident. At 1:15 PM, there was an arrest. § 87(2)(b) was punching and spitting at the officers and § 87(2)(b). At 1:20 PM at the 47th Precinct station house, § 87(2)(b) was spitting at officers and threatening to kill § 87(2)(b) and Officer Roda. At 2:10 PM, the online booking form was filled out, at 2:15 PM, § 87(2)(b)'s fingerprints were taken. At 2:35 PM, § 87(2)(b) was removed to § 87(2)(b) on complaint of pain. At 6:00 PM, § 87(2)(b) was transported back to the 47th Precinct.

Complaint Report § 87(2)(b) (encl. 8C-D)

Officer Roda stated that he observed § 87(2)(b) knowingly and intentionally punched § 87(2)(b) in the nose, causing bleeding, pain and swelling. § 87(2)(b) also removed § 87(2)(b)'s pocketbook and left scene. Upon arrest, § 87(2)(b) did resist arrest by swinging at a member of service and flailing arms and legs while being apprehended. § 87(2)(b) was brought to § 87(2)(b) for head injuries.

Domestic Incident Report (DIR) § 87(2)(b) (encl. 8E-G)

The DIR generated for the incident reflects that § 87(2)(b) was removed by EMS to § 87(2)(b). At the time and place of occurrence, Officer Roda observed § 87(2)(b) spitting, punching kicking and throwing § 87(2)(b). § 87(2)(b) stated he was going to kill her when he gets out, then spit on § 87(2)(b) and a member of service. § 87(2)(b) was brought to § 87(2)(b) with head injuries, bleeding from mouth and nose. § 87(2)(b) attempted to leave With § 87(2)(b)'s purse. She was also present at time of filing and confirmed Officer Roda's account.

CCRB Statement (summarized in encl. 8I-L)

On January 28, 2009, Officer Robert Roda of the 47th Precinct was interviewed at the CCRB. Officer Roda is a 5'7" male White weighing approximately 180 lbs. He was interviewed a second time on May 19, 2009.

Upon approaching § 87(2)(b) as § 87(2)(b) attempted to leave the scene, § 87(2)(b) was crying, visibly bleeding from the mouth and nose. She informed the officers that § 87(2)(b) had assaulted her and she wanted him arrested.

The officers approached § 87(2)(b) identified themselves, instructed him to stop and to drop § 87(2)(b)'s purse, which he had taken. He dropped the purse. Officer Roda observed that § 87(2)(b) was bleeding from his lip. Officer Beddows stated to § 87(2)(b) to turn around before he moved to § 87(2)(b) and began to handcuff him. Officer Beddows had handcuffed § 87(2)(b)'s right wrist. § 87(2)(b) returned from further down the block and stated to the officers that § 87(2)(b) was her assailant. § 87(2)(b) became agitated and wrenched his arm away from Officer Beddows. § 87(2)(b) stated, "fuck you, bitch, I'll kill you" before attempting to swing at Officer Beddows and Sergeant Milmore.

Officer Roda did not know if any punches made contact with the officers. None of the officers were injured. The struggle lasted two minutes. The officers began to wrestle with § 87(2)(b). Officer

Roda focusing on his hands. § 87(2)(b) was brought to the ground; Officer Roda went down with him. Officer Roda was uncertain how § 87(2)(b) fell to the ground, or whether he was on his side, back or stomach. Officer Roda was sure that § 87(2)(b) was on his stomach at some point because he was trying to lie on his hands. Officer Beddows was ultimately able to get the handcuff on § 87(2)(b)'s second wrist. When § 87(2)(b) was taken off the sidewalk and was being brought toward the police vehicle, § 87(2)(b) began spitting blood at the officers. Officer Roda observed "a few" abrasions on § 87(2)(b)'s face when they were at the station house, and when asked whether he had observed them when he initially encountered § 87(2)(b) Officer Roda responded, "everything just happened too fast." Officer Roda was uncertain as to whether any officer kicked § 87(2)(b) Officer Roda did not recall § 87(2)(b) requesting the names or badge numbers of any officers present.

§ 87(2)(b) was transported in a "cage police car" by Officer Roda, who sat in the back with § 87(2)(b) and two other officers whose identities Officer Roda could not recall. In the vehicle, § 87(2)(b) referred to Officer Roda as a faggot and continued to spit at him. Officer Roda pressed § 87(2)(b)'s face against the window of the vehicle so that § 87(2)(b)'s mouth was away from Officer Roda. Officer Roda did not state that he hit § 87(2)(b)'s face against the window. Upon returning to the station house, Officer Roda led § 87(2)(b) by the arm up the ramp into the back entrance to the building. Officer Roda's left hand grasped § 87(2)(b)'s right arm as he led him up the ramp. The officers in the cage vehicle did not accompany Officer Roda. § 87(2)(b) resisted Officer Roda's attempt to bring him into the building. The back entrance to the station house has a ramp that leads up the side of the building on the right side and on the left side of the ramp are metal bars about three feet up. § 87(2)(b) threatened Officer Roda, stating that he was going to kill him and then kill § 87(2)(b) § 87(2)(b) resumed spitting at Officer Roda. Officer Roda leaned his body against § 87(2)(b)'s body, forcing § 87(2)(b) into the wall; he did this in an effort to gain compliance from § 87(2)(b) and he did it only once.

Once inside the station house, § 87(2)(b) was still very upset and directed several vulgarities at Officer Roda. § 87(2)(b) complained of pain to his finger and his head. § 87(2)(b) did not complain about the tightness of his handcuffs. § 87(2)(b) was taken to § 87(2)(b) Officer Roda accompanied § 87(2)(b) to the hospital where § 87(2)(b)'s demeanor changed and he became a "perfect gentleman." § 87(2)(b) stated to Officer Roda that he had really messed up this time. The doctor informed Officer Roda that nothing was wrong; it was mostly bruising. Officer Roda was uncertain as to whether he transported § 87(2)(b) back to the station house.

Officer Daniel Beddows

§ 87(2)(g)

Memo Book (encl. 9A-B)

Officer Beddows' Memo Book reflects that on the date of incident he worked a 0930x1805 tour working precinct Anti-Crime with Sergeant Milmore and Officer Roda. At § 87(2)(b) Officer Beddows transported one male perpetrator to § 87(2)(b) He worked overtime, ending his tour at 10:05 PM.

CCRB Statement (summarized in encl. 9C-F)

Police Officer Daniel Beddows was interviewed at the CCRB on February 3, 2009 and again on May 19, 2009. Officer Beddows is a 5'10" male White weighing approximately 200 lbs.

Officer Beddows stated that on October 22, 2008, he was assigned to a blue Ford Crown Victoria with Sergeant Milmore and Officer Roda; Officer Beddows was the operator of the vehicle. Upon initially approaching § 87(2)(b) Officer Beddows observed a small cut on his lip. After Officer Beddows had handcuffed § 87(2)(b)'s right hand, § 87(2)(b) approached and stated that § 87(2)(b) was the person who had assaulted her and she wanted him arrested. § 87(2)(b) who had until then been fully compliant, wrenched his fist away from Officer Beddows and swung at § 87(2)(b) over the heads of Officer Beddows and Sergeant Milmore. § 87(2)(b) flailed his arms as the officers wrestled him to the ground in an attempt to handcuff him. Officer Beddows denied any officer striking § 87(2)(b) in the face, torso or kicking him. The officers were focused on restraining his hands, which § 87(2)(b)

attempted to lie on. Officer Beddows could not recall whether § 87(2)(b) requested any of the officers' names and/or shield numbers.

After § 87(2)(b) was handcuffed, Officer Beddows pulled him up by his elbows and stood him up. § 87(2)(b) turned in the direction of § 87(2)(b) and spit at her, causing an amalgam of spit and blood to land on Officer Beddow's sweatshirt. The officers then determined that he should be placed on the ground. Officer Beddows placed his foot behind § 87(2)(b) and pulled him backwards onto the ground, laying him first on his backside, then his side and ultimately on his stomach. The officers then called an RMP with a cage to transport § 87(2)(b) to the station house. Officer Beddows did not remember the identities of the officers in the cage RMP. Officer Beddows then returned with Sergeant Milmore to the station house.

Once in the station house, Officer Beddows was informed that § 87(2)(b) had requested medical treatment. Officer Beddows estimated that § 87(2)(b) was in the station house for approximately five to ten minutes before he was transported to the hospital. Officer Beddows rode in the ambulance with § 87(2)(b). When shown § 87(2)(b)'s Department of Corrections inmate photograph, he could not account for the band-aid covered wound above his eye or the cut on his cheek. Officer Roda picked Officer Beddows up from § 87(2)(b) and § 87(2)(b) was left with two other officers, whose identities Officer Beddows was unsure of.

Officers Denise Enmanuel and Dironda Clarke (encl. 11A-12E)

Officers Enmanuel and Clarke's accounts were entirely consistent: neither had any recollection of the incident and neither had any memo book entries relating thereto. Officer Enmanuel is a 5' female Hispanic weighing approximately 145 lbs with brown hair and brown eyes and was interviewed on March 6, 2009. Officer Clarke is a 4'11" female Black weighing 120 lbs. with Brown hair and Brown eyes and was interviewed on March 30, 2009.

Medical Records

The Ambulance Call Report (encl. 17B-C) reflects that Emergency Medical Services' (EMS) presumptive diagnosis is listed as laceration to face. § 87(2)(b) stated that he fell on the ground and now has a laceration to his right pinky finger and 1/4 inch laceration about right eye. § 87(2)(b)'s bleeding was kept under control. § 87(2)(b)'s chief complaint is that his "hands [were] numb."

The subpoena for medical records sent to § 87(2)(b) produced records from § 87(2)(b). The records (encl. 17D-M) state that the injuries were incurred whilst in police custody and that they consist of: a facial abrasion; laceration to mouth; manual abrasion; facial contusion; superficial cephalic injury. The record states that the triage nurse (Nurse Maud Snaith-Mclean) observed hematoma to left leg. § 87(2)(b) was experiencing "obvious moderate-severe discomfort from pain." It further states that the responding doctor (§ 87(2)(b)) noted an abrasion above § 87(2)(b)'s right eye, scratches on his right cheek, tenderness to right maxilla (upper portion of jaw) and zygoma (above the jaw, by the temple), a 1.5 cm laceration inside mouth, abrasion to his right fifth finger, wrist tenderness, a superficial wrist abrasion and tenderness to pip joint fifth finger. There was no acute pathology discovered pursuant to the CT scan.

Police Documents

The 47th Precinct 2nd Tour Roll Call (encl. 13A-P) for October 22, 2008 reflects that Sergeant Milmore and Officer Beddows were partnered with Officer Roda. It further reflects that Officers Enmanuel and Clarke were assigned to patrol sector C.

The print-out for *Special Police Radio Inquiry Networking Terminal (SPRINT)* #§ 87(2)(b) (encl. 14A-C) reflects that the C Sector responded to the scene to transport § 87(2)(b).

AIDED #§ 87(2)(b) (encl. 15A-E) reflects that § 87(2)(b) informed EMS that she was punched in the mouth and nose, kicked in the side and thrown into a brick wall causing pain throughout her body and bleeding from nose and nose (presumably nose and mouth). She was four months pregnant at time of incident.

Criminal Conviction History (encl. 16A-F)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) §§ 86(1)(3)&(4) § 87(2)(c)

Civilian CCRB History (encl. 2A)

This is § 87(2)(b)'s only CCRB complaint.

Members of Service CCRB History (encl. 1A-D)

None of the officers have ever been the subject of a substantiated CCRB allegation. Sergeant Milmore has been a member of service for nineteen years, Officer Beddows for eight and Officer Roda for three.

Conclusions and Recommendations

Officer Identification

Officer Beddows admitted to being the officer who handcuffed § 87(2)(b) which was confirmed by Sergeant Milmore and Officer Roda. The synthesized testimony of all parties revealed that Sergeant Milmore was the second officer involved in subduing § 87(2)(b) and ultimately effecting the arrest. § 87(2)(g)

By § 87(2)(b) and Officer Roda's accounts, Officer Roda was the officer who transported § 87(2)(b) from the scene to the 47th Precinct station house. § 87(2)(g)

Undisputed Facts

It is undisputed that as Officer Beddows was attempting to handcuff § 87(2)(b), § 87(2)(b) wrenched his arm out of Officer Beddows grasp and swung it. It is undisputed that Sergeant Milmore and Officer Beddows used force in effecting the arrest of § 87(2)(b) and that § 87(2)(b) was forcibly placed on the ground at this time. It is further undisputed that Officer Roda held § 87(2)(b)'s face against the interior window of the RMP during his transport to the 47th Precinct station house and that, in between exiting the RMP and entering the station house, Officer Roda pushed § 87(2)(b) against the exterior wall of the station house.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED] § 87(2)(b) testified that Officer Beddows sat on top of § 87(2)(b) and playacted in such a way as to make passers-by believe that § 87(2)(b) was resisting. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(b) stated that he requested the names of each of the officers who were involved in his apprehension and that only Officer Roda responded. § 87(2)(g)

[REDACTED]

Allegation A: Force: Officer Daniel Beddows used physical force against § 87(2)(b)

Allegation B: Force: Sergeant Michael Milmore used physical force against § 87(2)(b)

Allegation E: Force: Officer Robert Roda used physical force against § 87(2)(b)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation C: Abuse of Authority: Sergeant Michael Milmore refused to provide § 87(2)(b) with his name.
Allegation D: Abuse of Authority: Officer Daniel Beddows refused to provide § 87(2)(b) with his name.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Investigator: Date:
 Brendan Mysliwiec

Supervisor: Date:

Reviewed by: Date:

Reviewed by: Date: